

## Chapter 4

### ANIMALS\*

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**ARTICLE I. IN GENERAL**

**Secs. 4-1—4-30. Reserved.**

**ARTICLE II. ANIMAL CONTROL GENERALLY****DIVISION 1. GENERALLY****Sec. 4-31. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Animal shelter* means any premises designated by the county for the purpose of impounding and caring for all animals found running at large or otherwise subject to impounding in accordance with the provisions of this article.

*At large* means the animal is off the property of its owner and not under restraint of a competent person.

*Attack* means an animal, on or off its owner's property, that approaches a person in a vicious, terrorizing or threatening manner, or apparent attitude of attack, without the animal having been teased, molested, provoked, beaten, tortured or otherwise harmed.

*Attack training facility* means any person, group of persons, partnership or corporation engaged in boarding, breeding, selling or training dogs or other animals in mode of attack.

*Dangerous animal* means any animal that has demonstrated a fierce or dangerous propensity or tendency to do any act which may endanger persons or property. This would include, but not be limited to, any dog which assaults, bites, attacks or inflicts injury on a human being without provocation on public or private property, and/or which has killed or injured a pet or domestic animal without provocation. Exceptions: No dog is dangerous pursuant to this definition if, at the time the threat, injury or damage was sustained, the person attacked was teasing, tormenting, abusing or assaulting the dog, or has in the past teased, tormented, abused or assaulted the dog or was committing or attempting to commit a crime. Nor shall a dog be considered dangerous

pursuant to this definition if it has attacked or injured a pet or domesticated animal in defense of an attack by another animal or if it is protecting or defending its young.

*Dealer* means any person who is licensed by the U.S. Department of Agriculture as a dealer.

*Domestic animal* means any of various animals as horses, sheep, cattle, goats, hogs, poultry, etc., domesticated by men so as to live and breed in a timely condition.

*Exhibitor* means any person who is licensed by the U.S. Department of Agriculture as an exhibitor.

*Inherently dangerous mammal* means any live member of the canidae, felidae or ursidae families, which, due to their inherent nature, may be considered dangerous to humans and which include:

- (1) *Canidae*, including any member of the dog (canis) family not customarily domesticated by man, but not including domestic dogs (*Canis familiaris*).
- (2) *Felidae*, including any member of the cat family weighing over 15 pounds not customarily domesticated by man, but not including domestic cats (*Felis catus*).
- (3) *Ursidae*, including any member of the bear family, or any hybrids thereof.

*Exposed to rabies* means an animal which has been bitten by, or been exposed to, any animal known or suspected to have been infected with rabies.

*Kennel, dealer, breeder or pet shop* means any person, group of persons, partnership or corporation engaged in buying, selling, breeding or boarding animals.

*Neutered* means any male animal which has been operated upon to prevent reproduction.

*Owner* means any person, group of persons, firm, partnership or corporation owning, keeping, having charge of, sheltering, feeding, harboring or taking care of any animal. The owner is responsible for the care, actions and behavior of his animals. If the owner or keeper of an animal is a minor, the parent or guardian of such minor shall be held liable for non-compliance with the provision of this article.

*Pet* means a domesticated animal kept for pleasure rather than utility.

*Restraint* means an animal:

- (1) Controlled by means of a chain, leash or other like device;
- (2) On or within a vehicle being driven or parked;
- (3) Within a secure enclosure; or
- (4) Within the dwelling house of the owner or keeper.

*Secure enclosure* means a fence or structure of adequate height, forming or causing a humane enclosure suitable to prevent the animal from escaping and to prevent the entry of young children. For purposes of this definition, a home, mobile home or separate garage do not meet this definition.

*Spayed* means any female animal which has been operated upon to prevent conception.

*Stray* means any dog or cat that appears stray, homeless or unwanted, and any dog that is not displaying a valid rabies tag unless exempted under section 4-93.

*Untimely* means between the hours of 11:00 p.m. and 7:00 a.m.

(Ord. of 5-19-97, § 2-3-1)

**Cross reference**—Definitions generally, § 1-2.

#### **Sec. 4-32. Penalties for violation of article.**

(a) Except as otherwise provided, any person who violates any provision of this article shall be fined a civil penalty of \$100.00. If the violation is continued, each day's violation shall constitute a separate offense. Payment of such penalties shall be made within 72 hours. Civil penalties may be assessed by citation and recovered by the county in a civil action in the nature of a debt.

(b) If any dangerous animal or dangerous dog shall, when unprovoked, attack, assault, wound, bite or otherwise injure or kill a human being, the owner shall pay a \$500.00 fine. If not paid after a ten-day waiting period, exclusive of Sundays and holidays, such animal may be destroyed by the animal control program. For each subsequent violation the owner shall pay a \$1,500.00 civil penalty for owning or keeping a dangerous animal which attacks, assaults,

wounds, bites or otherwise injures or kills a human being, and such animal may be destroyed by the animal control program.

(c) If any dangerous animal or dangerous dog shall, when unprovoked, kill, wound, worry or assist in wounding any domestic animal or pet, the owner of such dog shall pay a \$250.00 civil penalty, and the animal control program is empowered to confiscate and, after the expiration of a ten-day waiting period exclusive of Sundays and holidays, may destroy the dangerous dog or animal. For each subsequent violation the owner of the dog shall pay a civil penalty of \$500.00.

(d) Violation of this article may subject the violator to criminal as well as civil action. In addition to the civil penalties or fees imposed under this article, violation of this article shall be a misdemeanor for which a criminal summons may be issued. Any person convicted of such violation shall be punishable as provided in G.S. 14-4. Each day's violation of this section is a separate offense. Payment of a fine imposed in criminal proceedings pursuant to this subsection does not relieve a person of his liability for taxes, civil penalties or fees imposed under this article.

(e) In addition, enforcement of this article may be by appropriate equitable remedy, injunction or order of abatement issued by a court of competent jurisdiction.

(Ord. of 5-19-97, § 2-3-15)

#### **Sec. 4-33. Law enforcement dogs excluded from article requirements, exception.**

Any dog used by a law enforcement agency in the investigation of crimes, or as otherwise necessary in the enforcement of the law, is excluded from requirements of this article, with the exception that they are regulated by the provisions of divisions 3 and 4 of this article.

(Ord. of 5-19-97, § 2-3-13)

#### **Sec. 4-34. Interference with enforcement of article.**

It shall be unlawful for any person to interfere with, hinder or molest the animal control program agents or officers or veterinarians in the performance of any

duty authorized by this article, or to seek to release any animal in the custody of such agents, except as otherwise specifically provided.

(Ord. of 5-19-97, § 2-3-14)

#### **Sec. 4-35. Establishment and composition.**

(a) There is hereby created the animal control program of the county referred to in this section as the animal control program, which shall be composed of such employees as shall be determined by the board of commissioners. Such employees shall be appointed by the health director and compensated in accordance with the personnel policies of the county.

(b) Employees or agents enforcing this article shall be designated as animal control officers. In the performance of their duties, animal control officers shall have all powers, authority and immunity granted under this article and by the general laws of this state to enforce the provisions of this article, and the General Statutes of North Carolina as they relate to the care, treatment, control or impounding of animals.

(c) Except as may be otherwise provided by statutes, local laws or ordinances, no officer or agent or employee of the county charged with the duty of enforcing the provisions of this article or other applicable laws shall be personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of such duties, unless he acts with actual malice.

(Ord. of 5-19-97, § 2-3-2)

#### **Sec. 4-36. General duties of animal control program.**

(a) The animal control program shall be charged with the responsibility of:

- (1) Enforcing, in this county, all state and county laws, ordinances and resolutions relating to the care, custody and control of animals.
- (2) Assisting in the enforcement of the laws of the state with regard to animals and especially with regard to the vaccination of animals against rabies and the confinement or controlling of dangerous animals, dangerous dogs and exotic animals.

(3) Investigating cruelty or abuse with regard to animals.

(4) Making such canvasses of the county, including the homes in the county, as it deems necessary for the purpose of ascertaining that all animals are vaccinated against rabies as required by local ordinance or state statutes.

(b) It shall be the duty of the animal control program to keep, or cause to be kept, accurate and detailed records of:

- (1) Impoundment and disposition of all animals coming into the animal shelter and shelters;
- (2) Bite cases, violations and complaints, and investigation of the same;
- (3) All monies belonging to the county which were derived from penalties; and
- (4) All other records deemed necessary.

(Ord. of 5-19-97, § 2-3-3)

#### **Sec. 4-37. Cruelty to animals.**

(a) It shall be unlawful for any person to molest, torture, torment, deprive of necessary sustenance, cruelly beat, needlessly mutilate or kill, wound, injure, poison, abandon or subject to conditions detrimental to its health or general welfare any animal, or cause or procure such an action. The words "torture" and "torment" shall be held to include every act, omission or neglect whereby unjustifiable physical pain, suffering or death is caused or permitted. Such terms shall not be construed to prohibit lawful shooting of birds, deer and other game for human food, not to prohibit an animal's owner, a veterinarian, the health director or animal control program agents from destroying dangerous, unwanted, injured or exotic animals in a humane manner, nor to prohibit the lawful use of animals in scientific research.

(b) An animal cruelty investigator may be appointed by the county board of commissioners as provided under G.S. 19A-45. This person shall have the responsibility for carrying out the defined duties of an animal cruelty investigator as mandated by G.S. 19A-46, 19A-47. An animal control officer may be requested to accompany the investigator on animal seizures.

(Ord. of 5-19-97, § 2-3-4)

**Sec. 4-38. Animals creating nuisance.**

(a) It shall be unlawful for any person to own, keep, possess or maintain an animal in such a manner so as to constitute a public nuisance. The actions of an animal constitute a nuisance when an animal disturbs the rights of, threatens the safety of, damages a member of the general public or interferes with the ordinary use and enjoyment of private or public property, by way of example and not of limitation, the following acts or actions by an owner or possessor of an animal are hereby declared to be a nuisance and are therefore unlawful:

- (1) Maintaining an animal that habitually or repeatedly disturbs, interferes with or annoys human beings;
- (2) Maintaining an animal that tips over garbage pails or damages gardens, flowers or vegetables;
- (3) Failing to confine in a building or secure enclosure a female dog while in heat;
- (4) Allowing or permitting animal to bark, whine, howl or yowl in an excessive, continuous or untimely fashion, or to make other noise in such a manner so as to result in a serious annoyance or interference with the reasonable use and enjoyment of neighboring premises;
- (5) Maintaining an animal that chases, snaps at, attacks or otherwise molests pedestrians, bicyclists, motor vehicle passengers or farm stock or domestic animals;
- (6) Maintaining an animal that habitually or continuously loiters on public places; and
- (7) Maintaining an animal that is diseased and dangerous to the health of the public unless under the care of a licensed veterinarian.

(b) Any owner permitting an animal to act in ways that creates a public nuisance as defined in subsection (a) of this section shall pay a penalty of:

- (1) First violation warning, verbal and/or written to animal's owner;
- (2) Second violation \$25.00;
- (3) Third violation \$50.00; and

- (4) Fourth violation \$250.00 and/or confiscation of such animal and placement at the San-Lee Humane Society. Owner will be responsible for all fees incurred for boarding and care and will pay fees to the humane society as specified in their policy and procedure.

(c) Such penalty shall be paid within 72 hours of the issuance of citation for violation of this section. (Ord. of 5-19-97, § 2-3-5)

**Sec. 4-39. Teasing and molesting.**

It shall be unlawful for any person to tease, bait or in any way molest any animal. (Ord. of 5-19-97, § 2-3-12)

**Secs. 4-40—4-60. Reserved.****DIVISION 2. DANGEROUS ANIMALS****Sec. 4-61. Confinement and control of inherently dangerous mammals.**

(a) *Keeping prohibited generally.* It shall be unlawful for any owner to keep an inherently dangerous mammal within the county.

(b) *Exemptions.* The following shall be exempt from this article:

- (1) Any nonprofit institution or exhibitor or dealer which owns or harbors inherently dangerous mammals for research, provided that such institution/facility/premises are licensed by the U.S. Department of Agriculture or Interior.
- (2) Traveling fairs, circuses and carnivals shall also be exempt from this section.

(c) *Recapturing.* The owner of any inherently dangerous mammal shall reimburse the county for all costs incurred while attempting to recapture any escaped inherently dangerous mammal. If the animal is sheltered or euthanized by animal control, the owner shall also pay these costs. (Ord. of 5-19-97, § 2-3-6)

**Sec. 4-62. Confinement and control of dangerous animals and dangerous dogs.**

(a) It is unlawful for any owner to maintain or harbor an unrestrained dangerous dog or animal which bites, inflicts injury, assaults or otherwise attacks a human being without provocation on public or private property, or injures or kills a pet or domesticated animal and is substantiated through an investigation conducted by the animal control officer. Such dog or animal shall be deemed dangerous.

(b) The owner will be notified in writing to confine the dog or animal in a humane secure enclosure. The owner shall place a plainly visible warning sign on the secure enclosure that a dangerous dog or animal is on the premises.

(c) The owner shall have 30 days from the date of notification to provide a humane secure enclosure. The animal deemed "dangerous" shall be under constant restraint on the owner's property during this period.

(d) An animal control officer is empowered to confiscate the dog or animal and harbor it at the owner's expense pending the owner's construction of a humane secure enclosure. If any dangerous dog or animal is confiscated under this section, the owner of the dangerous dog or animal shall be given written notice at the time of notification that the owner fails to provide a secure enclosure upon the expiration of 30 days from confiscation and animal control is authorized to dispose of the animal. If the owner constructs a secure enclosure which is approved by animal control, and the animal is not being destroyed pursuant to section 4-32(b) and (d), the animal may be redeemed within 30 days from the confiscation, so long as all fees owing to animal control for harboring the animal are paid.

(e) Dogs or animals trained or being trained in mode of attack are subject to the provisions of subsections (b), (c) and (d) of this section.  
(Ord. of 5-19-97, § 2-3-7)

**Sec. 4-63. Requirements for attack training facility.**

(a) It shall be unlawful for any person, group of persons, partnership or corporation to conduct training in mode of attack for dogs or other animals at any location unless such training is conducted within a secure enclosure.

(b) Such training within a secure enclosure within the meaning of this article, if it is performed within a fence or structure of adequate height to prevent the dog or animal from jumping, climbing or otherwise escaping from the secure enclosure, and such training is conducted in the presence of the owner or trainer at all times.

(c) Any dog or animal trained or being trained in mode of attack is deemed to be dangerous and is subject to all provisions of this article relative to dangerous dogs or dangerous animals.  
(Ord. of 5-19-97, § 2-3-8)

**Sec. 4-64. Confiscation of animals.**

Any dangerous animal or dangerous dog not kept in accordance with the requirements of this article, may be confiscated by the animal control officer and harbored at the owner's expense until the owner complies with the requirements of this article, not to exceed 30 days. After this time the animal may be euthanized in a humane manner.  
(Ord. of 5-19-97, § 2-3-9)

**Sec. 4-65. Required notification to animal control program by owners of dangerous animals or dangerous dogs.**

The owner of a dangerous animal or dangerous dog shall inform the animal control program, as soon as practical, but not later than 24 hours, after the occurrence of any of the following:

- (1) An assault, attack or biting upon any human being by such animal in the owner's care or control.
- (2) An attack or biting upon any domesticated animal or pet while the animal is off the owner's property.
- (3) The roaming or escape of any animal required to be restrained or confined to a secure enclosure.

(Ord. of 5-19-97, § 2-3-10)

**Sec. 4-66. Dogs or animals used for sentry or guard duty.**

A sign warning that there is a guard or sentry dog or animal on the premises shall be displayed. The

owner shall post a plainly visible sign upon the secure enclosure warning that a dangerous dog or animal is on the premises.

(Ord. of 5-19-97, § 2-3-11)

**Secs. 4-67—4-90. Reserved.**

### DIVISION 3. RABIES CONTROL

**Sec. 4-91. Compliance with state law; division as supplement to state law.**

(a) It shall be unlawful for any animal owner or other person to fail to comply with the state laws relating to the control of rabies.

(b) It is the purpose of this article to supplement the state laws by providing a procedure for the enforcement of state laws relating to rabies control, in addition to the criminal penalties provided by state law.

(Ord. of 6-16-97(1), § 2-3-16)

**Sec. 4-92. Inoculation of dogs, cats and other pets.**

(a) It shall be unlawful for an owner to fail to provide a current inoculation against rabies (hydrophobia) for any dog or cat four months of age or older. Should it be deemed necessary by the county health director, the board of county commissioners, or the state public health veterinarian that other pets be inoculated in order to prevent a threatened epidemic or to control an existing epidemic, it shall be unlawful for an owner to fail to provide current inoculation against rabies for that pet.

(b) A rabies inoculation shall be deemed current for a dog and cat if two inoculations have been given one year apart, and booster doses of rabies vaccine are administered every three years thereafter.

(Ord. of 6-16-97(1), § 2-3-17)

**Sec. 4-93. Inoculation tag.**

(a) Upon complying with the provisions of this section there shall be issued to the owner of the animal inoculated a numbered metallic tag, stamped with the number and the year for which issued, and indicating that the animal has been inoculated against rabies.

(b) It shall be unlawful for any dog or cat owner to fail to provide the dog or cat with a collar or harness to which a current tag issued under this section is securely attached. The collar or harness, with attached tag, must be worn at all times, except during the time the cat is performing at shows, or the dog is hunting or performing at shows, obedience trials, tracking tests, field trials, schools or other events sanctioned and supervised by a recognized organization.

(Ord. of 6-16-97(1), § 2-3-18)

**Sec. 4-94. Report and confinement of animals biting persons or showing symptoms of rabies.**

(a) Every dog or cat which has bitten any person or which shows symptoms of rabies shall be confined immediately; and shall be promptly reported to the animal control program, for a period of ten days, and shall not be released from such quarantine except by written permission from the animal control program.

(b) Dogs and cats quarantined under this section shall be confined in a veterinary hospital, boarding kennel or San-Lee Humane Society, at the expense of the owner. However, if an animal control officer determines that the owner of an animal which must be quarantined has adequate confinement facilities upon his own premises, the animal control officer may authorize the animal to be confined on such premises. The animal control officer may not authorize the animal to be confined on the owners premises unless the owner has a fenced in secure enclosure in his yard, the fenced in secure enclosure has no entrances or exits that are not locked, and the animal is currently vaccinated against rabies. Proof will be required at the time of investigation. If the animal is confined on the owner's premises, the animal control officer shall revisit the premises for inspection purposes at approximately the middle of the confinement period and again at the conclusion of the confinement period.

(c) In the case of stray dogs or cats whose ownership is not known, the dogs or cats may be euthanized and the head examined for rabies or kept for the supervised quarantine period required by this section at the county animal shelter.



(d) If rabies does not develop within ten days after a dog or cat is quarantined under this section, the dog or cat may be released from quarantine with the written permission of the animal control program. If the dog or cat has been confined in the county animal shelter, the owner shall pay any necessary fees and a boarding fee set by the San-Lee Humane Society.

(e) In the case of any carnivore or bat, the animal may be euthanized and the head examined for rabies.

(Ord. of 5-19-97, § 2-3-19)

**Sec. 4-95. Animal bitten by rabid animal or suspected rabid animal.**

Unvaccinated animals bitten by a known rabid animal or a suspected rabid animal which is unavailable for testing shall be immediately destroyed. If the animal has a current rabies inoculation, it shall be revaccinated and returned to the owner.

(Ord. of 5-19-97, § 2-3-20)

**Sec. 4-96. Areawide emergency quarantine.**

(a) When reports indicate a positive diagnosis of rabies, the county director of public health may order an areawide quarantine for such period as he deems necessary. Upon invoking of such emergency quarantine, no dog, cat or other carnivores shall be taken into the streets or permitted to be in the streets during such period. During such quarantine, no dog or cat or other carnivore may be taken or shipped from the county without written permission of the animal control program, and the police and sheriffs departments are hereby directed during such emergency, to impound any dog, cat or other carnivore found running at large in the county. During the quarantine period, the animal control program or local health authorities shall be empowered to provide for a program of mass immunization by the establishment of temporary emergency rabies vaccination facilities strategically located throughout the county.

(b) If there are additional positive cases of rabies occurring during the period of quarantine, such period of quarantine may be extended at the discretion of the county director of public health.

(Ord. of 5-19-97, § 2-3-21)

**Sec. 4-97. Postmortem diagnosis.**

(a) If an animal dies while under observation for rabies, the head of such animal shall be submitted to the county health department for shipment to the laboratory of the division of health services for rabies diagnosis.

(b) The carcass of any animal suspected of dying of rabies shall be surrendered to the animal control program. The head of such animal shall be submitted to the county health department for shipment to the laboratory section of the division of health services for rabies diagnosis.

(Ord. of 5-19-97, § 2-3-22)

**Sec. 4-98. Unlawful killing or releasing of certain animals.**

It shall be unlawful for any person to kill or release any animal under observation for rabies, any animal suspected of having been exposed to rabies, or any animal biting a human, or to remove such animal from the county without written permission from the animal control program and the county director of health.

(Ord. of 5-19-97, § 2-3-23)

**Sec. 4-99. Failure to surrender animal for quarantine or destruction.**

It shall be unlawful for any person to fail or refuse to surrender any animal for quarantine or destruction as required in this article, when demand is made therefore by the animal control program.

(Ord. of 5-19-97, § 2-3-24)

**Secs. 4-100—4-120. Reserved.**

**DIVISION 4. IMPOUNDMENT**

**Sec. 4-121. Generally.**

Any animal which appears to be lost, stray or unwanted, or which is found to be not wearing a valid rabies vaccination tag, as required by state law and this article, and not under restraint in violation of this article, shall be impounded by the animal control program and confined in an animal shelter in a hu-

mane manner. Impoundment of such an animal shall not relieve the owner thereof from any penalty which may be imposed for violation of this article.

(Ord. of 5-19-97, § 2-3-25)

**Sec. 4-122. Notice to owner.**

Immediately upon impounding an animal, the animal control program shall make reasonable effort to notify the owner and inform such owner of the conditions whereby the animal may be redeemed. If the owner is unknown or cannot be located, notice of such impoundment shall be posted for four days, or until the animal is disposed of, at the animal shelter. The time and place of taking of such animal, together with the time and date of posting the notice shall be stated in such notice.

(Ord. of 6-16-97(1), § 2-3-26)

**Sec. 4-123. Redemption by owner generally.**

The owner of an animal under this article may redeem the animal and regain possession thereof within 96 hours, four days after notice of impoundment is given or posted, as required by section 4-122, by complying with all applicable provisions of this article and paying any necessary veterinarian's fee and a boarding fee set by the San-Lee Humane Society.

(Ord. of 6-16-97(1), § 2-3-27)

**Sec. 4-124. Destruction or adoption of unredeemed animal generally.**

(a) If impounded animal is not redeemed by the owner within the period prescribed in section 4-123, it may be destroyed in a humane manner or shall become the property of the San-Lee Humane Society's shelter and offered for adoption to any responsible adult who is willing to comply with this article. Such animal may be adopted or purchased by the first such person who pays the adoption or purchase fee and rabies vaccination, if unvaccinated for rabies.

(b) All unsterilized dogs and cats four months of age or older adopted from the San-Lee Humane Society shall be either spayed or neutered within 30 days of their adoption. All animals adopted under four months of age shall be spayed or neutered by five months of age. Written proof of the sterilization shall be promptly provided by the adopter to the

San-Lee Humane Society. The adoption of any animal not sterilized pursuant to this section shall be deemed to violate the provisions of this section and shall be returned by the applicant for readoption to the San-Lee Humane Society. The San-Lee Humane Society is authorized to obtain an adoption agreement from an applicant to implement the provisions of this section.

(c) No animal which has been impounded by reason of its being a stray unclaimed by its owner shall be allowed to be adopted from the animal shelter during a period of emergency rabies quarantine invoked pursuant to section 4-96, except by special authorization of the director of public health.

(d) Any animals that exhibit fierce, dangerous or aggressive behavior will not be offered for adoption. (Ord. of 5-19-97, § 2-3-28)

**Sec. 4-125. Procedure with respect to redemption or adoption of unvaccinated dog or cat.**

(a) Unless proof of a current rabies vaccination can be furnished, every person who either adopts or redeems a dog or cat at the animal shelter will be given a proof of rabies vaccination card at the time of the redemption or adoption. This card will be stamped with a date stating the maximum time limit allowed to take the dog or cat to the veterinarian of such person's choice for rabies vaccination. The time limit for dogs and cats four months and older will be 72 hours, with Sundays and holidays excluded. For puppies and kittens under four months, the time limit will vary according to their age.

(b) The proof of rabies vaccination card will be completed and returned to the animal shelter by the veterinarian. If this card is not returned to the animal shelter within the time limit specified on the card, an animal control officer will be dispatched to retrieve the dog or cat.

(c) Payment for the rabies vaccination provided for this section will be the responsibility of the person redeeming or adopting the animal. (Ord. of 5-19-97, § 2-3-29)

**Sec. 4-126. Suspected rabid animal not to be redeemed or adopted.**

Notwithstanding any other provision of this article, animals impounded which appear to be suffering

from rabies shall not be redeemed or adopted, but shall be dealt with in accordance with division 3 of this article.

(Ord. of 5-19-97, § 2-3-30)

**Sec. 4-127. Destruction of wounded or diseased animals.**

Notwithstanding any other provision of this division, any animal impounded which is badly wounded or diseased (not a rabies suspect) and has no identification shall be destroyed immediately in a humane manner. If the animal has identification, the animal control program shall attempt to notify the owner before disposing of such, but if the owner cannot be reached readily, and the animal is suffering, the animal control program may destroy the animal at its discretion in a humane manner.

(Ord. of 5-19-97, § 2-3-31)

**Secs. 4-128—4-160. Reserved.**

**ARTICLE III. WILD AND VICIOUS ANIMALS**

**DIVISION 1. GENERALLY**

**Sec. 4-161. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Double safety doors* means doors so constructed that the exterior door must be closed before the interior door can be opened.

*Owner* means any person who keeps, has charge of, shelters, feeds, harbors or takes care of any wild or vicious animal in the county.

*Permittee* means any person granted a permit to keep, shelter, feed, harbor or take care of any wild or vicious animal in the county.

*Primary enclosure* means any metal building, wire cage or pen or similar enclosure designed and used for the purpose of restraining and confining any animal, the keeping of which is regulated by this article. All such enclosures shall be constructed and maintained according to the standards set out in section 4-219.

*Secondary enclosure* means an enclosure which is not used for primary confinement or exercise of wild or vicious animals or training. Each person keeping any wild or vicious animal shall construct a secondary enclosure which shall surround or encompass all primary enclosures where such animals are kept. This secondary enclosure will be constructed and maintained according to the standard specified in section 4-219 depending on the animals kept.

*Wild or vicious animal* means all nonindigenous carnivores, primates, poisonous snakes or other venomous animals, elephants and rhinoceroses.

(Ord. of 5-2-83, § 1)

**Cross reference**—Definitions generally, § 1-2.

**Sec. 4-162. Penalty for violation of article.**

Any person violating any provision of this article shall be punished according to section 1-7.

(Ord. of 5-2-83, § 17)

**Sec. 4-163. Civil remedy.**

In addition to section 4-162, this article may also be enforced by means of a civil action in any court of competent jurisdiction.

(Ord. of 5-2-83, § 18)

**Sec. 4-164. Humane treatment.**

All animals shall be humanely treated. Animals and enclosures shall be available for periodic inspection of the San-Lee Humane Society at any reasonable time, upon request.

(Ord. of 5-2-83, § 16)

**Sec. 4-165. Liability insurance required.**

As a condition precedent to the keeping, sheltering or harboring any wild or vicious animal, the prospective owner shall continuously maintain liability insurance coverage in at least the amount of \$1,000,000.00 per claim to compensate persons for personal injury and property damage which may result from the keeping of such animals.

(Ord. of 5-2-83, § 4)

**Sec. 4-166. Reporting of escapes.**

At any time after the permit referred to in division 2 of this article is issued, if any wild or vicious animals are brought into the county, and if any of these

animals escape their confinement, the following steps shall be taken by the owner to ensure that the public is notified and all possible measures are taken for the protection of the public:

- (1) Immediately upon knowing that any wild animal is outside the secondary enclosure and out of sight of the owner, the owner shall contact the animal control section of the district health department and give a detailed report of how many animals are at large, what kind of animals are at large, the area where they are expected to be, any particular dangers which are created for the public, and any precautions which the public should take to avoid harm.
- (2) The animal control section will then notify the neighbors who are listed on the original application, the sheriff, and the animal control officer, all rescue squads, fire departments, and all schools in the county, if in session.
- (3) All owners shall report to the animal control officer in writing within five days of such occurrence all births, deaths, change of location and transfer of possession of any such animals.

(Ord. of 5-2-83, § 10)

**Sec. 4-167. Tranquilizing and annihilating equipment required.**

Each permittee shall have on hand at all times sufficient equipment and chemicals to tranquilize any animal for which he has a permit to keep. Each permittee shall have on hand at all times sufficient equipment to kill any animal for which he has a permit to keep.

(Ord. of 5-2-83, § 11)

**Sec. 4-168. Transport and exhibition.**

No owner shall exhibit any wild or vicious animal within the county or transport any such animal from a point in the county to another point within the county without having the animal in a secure enclosure approved by the animal control officer. The officer may make an exception to the requirement of having an animal in a secure enclosure for transport if the

animal is sick or injured and is sufficiently sedated or tranquilized to the point that it could do no harm to any human being.

(Ord. of 5-2-83, § 12)

**Sec. 4-169. Release of animals.**

It shall be unlawful for any person to release from captivity any wild or vicious animal within the county.

(Ord. of 5-2-83, § 13)

**Sec. 4-170. Onsite presence of experienced person required.**

Any owner shall at all times have on the site with such animals a person experienced in the handling of such animals, who is at least 18 years of age.

(Ord. of 5-2-83, § 14)

**Secs. 4-171—4-190. Reserved.**

**DIVISION 2. PERMIT**

**Sec. 4-191. Required; contents.**

As a condition precedent to the keeping, sheltering or harboring of any wild or vicious animal, a prospective owner shall make written application for and receive from the county animal control officer a permit and authorization to keep any such animal. Such application shall contain at least the following:

- (1) Name and address of prospective owner.
- (2) Owner's experience with animals, especially wild animals, particularly the species in the application. In the case of an inexperienced owner, there must be included the names and addresses of any manager, keeper or husbandry expert upon which the owner will rely for guidance.
- (3) History of the background of the owner, keeper or husbandry expert, including a record of all animal escapes and recapture of animals under their control as well as actions taken to correct conditions which allowed the escapes.
- (4) Any relevant personal history of the owner, operator, manager and employees.

- (5) Species, size and other identifying characteristics of each wild or vicious animal the applicant desires to keep.
  - (6) The birthplace of each animal and history of each animal, including whether the animal has ever harmed any human being, including all medical history and immunizations.
  - (7) Description of the nature, size, type of construction and location of any enclosure in which the applicant intends to keep the wild or vicious animal.
  - (8) Description of the liability insurance carried by the owner to compensate persons for personal injury and property damage which may result. A copy of the current policy shall be attached to the application.
  - (9) Names, addresses and telephone numbers of all persons residing within one mile of the proposed location for the keeping of the animals.
  - (10) A schedule of the personnel who will service and maintain this facility on a daily and hourly basis.
  - (11) A list of tranquilizing equipment, chemicals and instruments of destruction required by section 4-167.
  - (12) A list of all state and federal permits and licenses required for keeping of such animals and a statement of whether such licenses and permits have been obtained, and whether the applicant has ever had any such permit or license revoked or suspended, and if so, the reason for such.
- (Ord. of 5-2-83, § 3)

#### **Sec. 4-192. Duties of animal control officer.**

(a) Upon receipt of a written application for a permit to keep a wild or vicious animal, the animal control officer shall inform the applicant, in writing, if the enclosure standards for each type of animal are different from the construction standards proposed, and shall notify the county manager who will report the application to the board of commissioners. Upon the construction of the enclosure specified, the animal control officer shall promptly inspect the primary

enclosure and the secondary enclosure intended for the keeping or harboring of any wild or vicious animals.

(b) If the animal control officer shall determine that the proposed enclosure is reasonably and sufficiently secure to harbor and safely keep the wild or vicious animal proposed to be kept, and meets all specifications set forth in this article, and the applicant certifies that he has all necessary state and federal permits, and that the applicant is otherwise qualified, he shall issue a permit authorizing the applicant to locate such wild or vicious animal in such enclosure. No wild or vicious animal shall be brought into or kept in the county until after the permit is issued by the county and received by the applicant. A copy of the permit shall be mailed to the San-Lee Humane Society.

(c) If the animal control officer shall determine that the proposed enclosure is not reasonably or sufficiently secure to harbor or keep the wild or vicious animal applied for, or that it fails to meet the specifications set forth in this section, he shall notify the applicant of any defects or irregularities which make the enclosure insecure. The applicant may cause such defects to be remedied and request another inspection by the animal control officer.  
(Ord. of 5-2-83, § 5)

#### **Sec. 4-193. Inspections.**

At any time after the receipt of an application referred to in this division, the animal control officer shall be authorized to inspect the premises at any reasonable time, and shall file a written report of his findings with the county manager on a quarterly basis. In case of an emergency, reported escape or if the animal control officer has reasonable grounds to believe the owner has committed a violation of this article, the owner shall make the premises available to the officer for inspection immediately.  
(Ord. of 5-2-83, § 6)

#### **Sec. 4-194. Additional standards.**

If, at any time during or after an inspection of the facilities by the animal control officer, it is the determination of the officer that the provisions of section 4-219 are inadequate for keeping any species or any individual animal of a species, the animal control

officer shall not issue a permit, and shall recommend to the county manager necessary changes in the standards sufficient to protect the public.  
(Ord. of 5-2-83, § 7)

**Sec. 4-195. Suspension or revocation.**

(a) The permit of any permittee may be suspended by the animal control officer upon a finding of any one or more of the following:

- (1) The permit was issued to a permittee not entitled thereto under this article.
- (2) The permittee's enclosures do not comply with this article, or that the permittee has otherwise violated the provisions of this article.
- (3) One or more animals have been brought into the county or kept by the permittee without first obtaining a permit therefor.
- (4) The permit application contained false or misleading information, or failed to disclose a material fact pertinent to the application.
- (5) The permittee does not possess all licenses or permits required by the state and the federal government.
- (6) The permittee has failed to report an escape.
- (7) The permittee does not possess and have the ability to promptly use the tranquilizing and annihilating equipment required by section 4-167.

(b) The permittee shall be notified in writing of any such suspension, and shall have the right to appeal such decision to the board of county commissioners, provided notice of the appeal is delivered to the county manager within ten days of notification of such suspension. The board of commissioners shall promptly schedule a hearing upon the matter and give the permittee not less than 48 hours' notice of such hearing at which the permittee shall be afforded an opportunity to offer evidence as to why the permit should not be revoked. Following the hearing, the board of commissioners may revoke the permit, or may reinstate it, with such conditions as the board shall determine.

(c) Notwithstanding anything in this article, the animal control officer shall not issue any permit to a person who has previously had such a permit revoked, based upon continued violations of any ordinance regulating the keeping of animals in the county. Denial of any such application shall be immediately reported to the county manager. Any person denied a permit for such reason shall be entitled to appeal such denial to the board of county commissioners within the same time and under the procedure set forth in subsection (b) of this section for suspensions. Upon a hearing, the board may deny such a permit if it finds that the applicant has in the past failed to comply with an ordinance regulating the keeping of wild and vicious animals and that such conduct was a continuing matter, and that such conduct placed the safety of one or more citizens in jeopardy.

(Ord. of 5-2-83, § 15)

**Secs. 4-196—4-215. Reserved.**

**DIVISION 3. ENCLOSURES**

**Sec. 4-216. Owner responsibilities.**

Any owner keeping or harboring a wild or vicious animal as of May 2, 1983, shall comply with the application and permit provisions of this article within 20 days of the adoption of the ordinance from which this article derives, and shall meet the primary enclosure standards within 20 days, and shall also meet the secondary enclosure standards within 120 days of May 2, 1983.

(Ord. of 5-2-83, § 9)

**Sec. 4-217. Required.**

No person shall keep, shelter, feed, harbor or take care of any wild or vicious animal within the county unless all such animals are confined continuously within a secure and locked primary enclosure which is situated within a secondary enclosure, except while being transported. Each enclosure shall be constructed to standards specified for keeping each type of animal, as identified in section 4-219.

(Ord. of 5-2-83, § 2)

**Sec. 4-218. Deficiencies.**

Any deficiencies in the primary enclosures recognized by the animal control officer, after issuance of a permit, shall be communicated immediately to the owner in writing and immediately corrected by the owner. These deficiencies shall be communicated immediately to the sheriff and county manager. (Ord. of 5-2-83, § 8)

**Sec. 4-219. Standards for primary and secondary enclosures.**

(a) *Generally.* This section specifies minimum standards for the construction of primary and secondary enclosures which are to be used to keep, harbor or restrain wild or vicious animals. If, because of the breeding, history, character or other particular trait, it is the opinion of the animal control officer that these standards are insufficient to restrain any wild or vicious animal, he shall report such findings to the sheriff and county manager and issue no permits until standards sufficient to restrain the animal are developed and adopted by the board of commissioners.

(b) *Primary enclosures.* Primary enclosures are used to keep, harbor or restrain the following animals, shall be constructed with the materials and in the manner specified, and shall include a concrete floor covered with plywood or earth sufficiently to protect the animals housed therein.

- (1) *Cheetah, lion, tiger and hybrids.* Animals in the category of cheetah, lion, tiger and other hybrids of these shall be housed within a primary enclosure which has at a minimum, 600 square feet per animal. There shall be no more than one male and two females in any one primary enclosure. There shall be no common fences between enclosures housing tigers and any other animals. If adult male animals are placed in adjacent enclosures, these enclosures shall be constructed of no smaller than nine gauge steel chainlink fence, doubled and spaced so as to prohibit physical contact between two males. All enclosures shall have double safety doors. The enclosure shall be constructed of not less than nine gauge steel chainlink fence attached to not smaller than 2½-inch diameter, schedule 40 steel poles placed at least

30 inches in the ground and anchored in 30 inches of concrete, and of sufficient length to extend to the top of the fence, and shall be placed no more than ten feet apart. Enclosures with roofs shall have sides a minimum of eight feet high, and enclosures without roofs shall have sides at least 12 feet high. Roofs of enclosures shall be constructed of the same material as the sides, and be firmly attached to the sides with no gaps.

- (2) *Leopards, mountain lions and hybrids.* Animals in the category of leopards, mountain lions and other hybrids of these shall be housed in enclosures meeting all requirements set out above for tigers, and, in addition thereto, the enclosure shall have a roof constructed of at least nine gauge steel chainlink fencing, attached firmly to the sides with no gaps.
- (3) *Jaguars.* Jaguars of any species shall be housed in enclosures constructed to the same standards as those required of not smaller than six gauge steel chainlink fencing for the sides and roof. Sides of the enclosure shall be at least ten feet high. The fencing shall be firmly secured to vertical and horizontal piping or rods; and must be firmly secured at three-inch intervals to the bottom horizontal crossbar which shall be no more than three inches above the floor.
- (4) *Caracal, bobcat, lynx, ocelot, serval and hybrids.* Animals in the category of caracal, bobcat, lynx, ocelot, serval and other hybrids of these shall be housed in enclosures completely enclosed with a minimum of 80 square feet for each animal, and of a minimum height of eight feet. Walls and top or roof of cages shall be constructed of no smaller than 1½ gauge steel chainlink fencing secured to steel poles not smaller than 1½-inch diameter and placed at least 30 inches in the ground in 30 inches of concrete not more than ten feet apart. Enclosures shall have double safety doors.
- (5) *Bears.* Large bears are considered to be among the more dangerous as well as the more escape prone of all animals. Bears shall be housed in primary enclosures with

at least 600 square feet per animal. There shall be not more than one male and one female per primary enclosure. The primary enclosure shall be constructed of solid steel bars at least three-quarters of an inch in diameter, anchored in the ground at least 30 inches and in 30 inches of concrete. Such enclosure shall be at least ten feet high and shall have a top or roof constructed of the same material as the sides and firmly attached thereto with no gaps therein. All such enclosures shall have a crossweld at least every four inches.

(c) *Secondary enclosures.* The purpose of a secondary enclosure is to serve as a perimeter fence surrounding all primary enclosures, in order to protect the public by prevention of escape by an animal accidentally freed from its primary enclosure.

(1) Secondary enclosures shall be constructed of not smaller than 11½ gauge steel chainlink fencing at least 12 feet in height and shall encompass all primary enclosures. The fencing shall be attached to steel poles not smaller than 2½-inch diameter and set in 30 inches of concrete, or cedar or creosote posts of equivalent strength. All posts shall be placed at least 30 inches in the ground and be spaced not more than 15 feet apart. Secondary enclosures shall not have any common wall with any primary enclosure, and all such enclosures shall be continuously electrified. Any secondary enclosure surrounding enclosures of animals capable of fence climbing shall be electrified at the bottom and middle, and shall also have an electrified overhang to prevent climbing.

(2) Secondary enclosures shall be so constructed as to be tunnelproof. The strength of the secondary enclosure shall be appropriate to the animals enclosed as well as to the conditions and shall be so constructed that no single foreseeable event can jeopardize the structural integrity of both the primary and secondary enclosure. All enclosures shall have double safety doors, each of which shall be secured by a lock. All such enclosures shall be located a sufficient distance from the primary enclosure and from all other structures, rocks, trees or terrain

features that no such primary enclosure, structure, rock, tree or terrain feature may be used as a leaping platform.

(3) If cedar or creosote posts are used for line posts, all corner posts and posts at sharp angles shall be of steel and at least four inches in diameter, and all posts other than corner or angle posts shall be located on the outside of the fencing. If cedar or creosote posts are used, they shall be replaced with steel posts at least 2½ inches in diameter, schedule 40, when replacement is needed, or within six years, whichever is earlier.

(d) *Variations.* No variations from these standards shall be made by the animal control officer.

(e) *Animals for which no standards exist.* No wild or vicious animal for which there appears no standard for construction of primary enclosures in this section shall be brought into the county.

(f) *Design integrity.* All primary and secondary enclosures shall be so designed and constructed that no single foreseeable event or series of events shall break the structural integrity of the primary and secondary enclosures.  
(Ord. of 5-2-83, app. A)